



Criminal Defense Attorneys of Michigan

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September 19, 2010

Hon. Wayne Kuipers
Chair, Senate Judiciary Committee
P.O. Box 30036
Lansing, MI 48909

RE: SB 1491 and 1492

Dear Chairman Kuipers,

The Michigan Supreme Court recently adopted proposed amendments to MCR 6.425 and 6.610 (Adm 2008-39) which prohibited the existing and long standing practice of allowing prosecutors and defense attorneys to keep a copy of the Presentence Investigation Report in their files after a defendant had been sentenced. The retention of the PSI was thought to violate existing Michigan law. In response to concerns raised by the Criminal Defense Attorneys of Michigan (CDAM) and the Prosecuting Attorneys of Michigan (PAAM), the Supreme Court held these amendments in abeyance and suggested CDAM and PAAM approach the Legislature and seek to amend the relevant statutes to permit retention of the PSI by the parties after sentencing.

SB 1491 and 1492, as proposed, represent the joint efforts of PAAM and CDAM in response to the Supreme Court's suggestion. SB 1491 and 1492 will continue the sensible practice of allowing the prosecutor, the defense attorney, and the unrepresented defendant to maintain complete files for future reference by keeping a copy of the PSI for their files.

CDAM urges the Senate Judiciary Committee to report SB 1491 and 1492 to a vote. Thank you for your consideration of this important issue.

Very Truly Yours,

Margaret Sind Raben
CDAM Legislative Committee